

435173

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

MILDRED ISE
Plaintiff,

v.

HARBORSIDE RHODE ISLAND
LIMITED PARTNERSHIP,
HARBORSIDE HEALTH I, LLC, and
SUNBRIDGE HEALTH CARE, LLC,
Defendants.

CA No.

12- 383M

NOTICE OF REMOVAL

**TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF RHODE ISLAND**

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446, the defendants Harborside Rhode Island Limited Partnership, Harborside Health I, LLC, and Sunbridge HealthCare, LLC, (hereinafter "Defendants") by and through their undersigned counsel, Taylor Duane Barton & Gilman, LLP, hereby give notice of removal of this case to this Honorable Court from the Superior Court of Rhode Island sitting in Kent County, in which this action is now pending. The defendants appear solely for the purpose of removal and for no other purpose, reserving all defenses available to it. In support of this Petition, the Defendants asserts as follows:

1. Mildred Ise, through her attorney, commenced an action against the Defendants in Kent County Superior Court entitled: Mildred Ise v. Harborside Rhode Island Limited Partnership, Harborside Health I, LLC, Sunbridge Health Care LLC, C.A.

No.: K.C. 2012-391. A copy of the summons and complaint are attached hereto as Exhibit "A."

2. A copy of plaintiff's Complaint was mailed to the defendants on or about April 18, 2012.
3. In Count One, Breach of Contract, of the Complaint, plaintiff Mildred Ise ("Plaintiff"), asserts that the Defendants breached their contract with Plaintiff by failing to protect the Plaintiff and her property causing serious financial damage to Plaintiff. Count Two, entitled Negligence, asserts that the Defendants negligently provided security to plaintiff, and negligently trained and supervised the persons who provided care and security to Plaintiff causing grave financial damage to Plaintiff. Count Three, entitled Civil Battery, asserts that the Defendants negligently provided security and negligently trained and supervised the persons who provided care and security to Plaintiff, and that an employee of the Defendants committed theft of a diamond engagement ring causing Plaintiff great pain and grave financial damage.
4. In the Complaint, Plaintiff is identified as a resident of the State of Rhode Island.
5. Defendant, Harborside Rhode Island Limited Partnership, is a Massachusetts Domestic Limited Partnership with its principal office at 155 Federal Street, Suite 1100 Boston, MA.
6. Defendant, Harborside Health I, LLC, is a Delaware Limited Liability Company with its principal business office at 101 Sun Ave. NE Albuquerque, NM.
7. Defendant, Sunbridge HealthCare, LLC, is a New Mexico Limited Liability Company with its principal office at 101 Sun Ave. NE Albuquerque, NM.

8. This case is removable pursuant to 28 U.S.C. § 1441(a) since the parties are diverse.

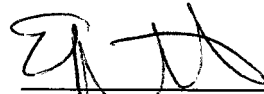
Further, Plaintiff seeks \$10,000.00 in compensatory damages, punitive damages, attorneys' fees, and other relief as the Court deems just. Thus, the amount in controversy is in excess of \$75,000.00 exclusive of interest and costs.

9. This case is removable pursuant to 28 U.S.C. § 1441(a) since the United States District Court has diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332(a).

10. As required by 28 U.S.C. § 1446(d), Defendants will give notice of this filing of to Plaintiff and to the clerk of the Kent County Superior Court of Rhode Island where the action is now pending. A copy of the Notice to State Court of Filing of Notice of Removal is attached as Exhibit "B."

WHEREFORE, Defendants respectfully request that the above action now pending against them in the Kent County Superior Court of Rhode Island be removed therefrom to this Court.

The Defendants,
Harborside Rhode Island Limited
Partnership, Harborside Health I, LLC,
Sunbridge HealthCare, LLC,
By their Attorneys,



Sheri L. Pizzi

R.I. Bar No. 5720

Elizabeth R. Merritt

R.I. Bar No. 7936

TAYLOR, DUANE, BARTON & GILMAN, LLP

10 Dorrance Street, Suite 800

Providence, RI 02903

401.273.7171

401.273.2904 – Fax

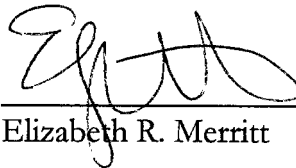
CERTIFICATE OF SERVICE

I, Elizabeth R. Merritt, attorney for defendants, Harborside Rhode Island Limited Partnership, Harborside Health I, LLC, and Sunbridge HealthCare, LLC, hereby certify that on May 18, 2012, I mailed a copy of the following:

1. Notice of Removal

by regular mail, postage prepaid to:

Daniel P. McKiernan, Esq.
McKiernan Law
243 North Main Street
Providence, RI 02903



Elizabeth R. Merritt